

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed February 24, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 103(a)**

#### **A. Rejection of Claims 1, 5, 6, 8, 11, 12, 14, 16-18, 20, and 21-25**

Claims 1, 5, 6, 8, 11, 12, 14, 16-18, 20, and 21-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Novell's Breakthrough Language Identifier, Newbytes ("Newbytes") or Support your E-Commerce with an E-Center, World Trade v13n7, pp 66-68 ("WorldTrade") or Talisma Enterprise's Multiple Language Capabilities Enable Companies to Build Strong Global Customer Relationship, PR Newswire ("Newswire") in view of @Once Service Center, Platform to Handle Internet Customer Service, Business Wire ("BusinessWire"). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations.

As is indicated above, Applicant has made several amendments to each of Applicant's independent claims. In view of those amendments, Applicant respectfully submits that the rejection is moot as having been drawn against Applicant's claims in a previous form. Applicant briefly discusses the applied references and their relevance to the amended claims, however, for the Examiner's consideration.

Each of the Newbytes, WorldTrade, and Newswire references generally disclose a system that is configured to determine a language in which a document, such as an email message, is written through a *language recognition process*. Beginning with the Newbytes reference, disclosed is the following:

Language Identifier is claimed to be the fastest and most accurate engine of its kind, correctly identifying 15 different languages on the basis of as few as three words.

Turning to the WorldTrade reference, disclosed is:

One method of organizing this traffic is called “e-mail management system” or EMS. This system uses language recognition to analyze e-mail and route it to the correct agent.

Finally, the Newswire reference states:

Talisma Enterprise’s language-based routing capability quickly and seamlessly recognizes and routes foreign language e-mail inquiries directly to customer service representatives (CSRs) who are fluent in those languages.

Contrary to use of a language-recognition software, Applicant’s methods and apparatus *infer* the language of received email messages *from the language in which the web-sites that received the email messages are written*. With such a solution, no complex and/or proprietary software are needed to make the language determination. None of the cited prior art references teach this aspect of Applicant’s claims.

**B. Rejection of Claims 2-4, 7, 9, 10, 13, 15, and 19**

Claims 2-4, 7, 9, 10, 13, 15, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Newbytes/WorldTrade/Newswire in view of BusinessWire, and further in view of Ayyadurai (U.S. Pat. No. 6,718,367). Applicant respectfully traverses this rejection.

As is indicated above, Applicant has made several amendments to each of Applicant’s independent claims. In view of those amendments, Applicant respectfully submits that the rejection is moot as having been drawn against Applicant’s claims in a previous form.

Furthermore, given that the Ayyadurai reference does not remedy the deficiencies of the other applied references, Applicant respectfully submits that claims

2-4, 7, 9, 10, 13, 15, and 19 are allowable for at least the same reasons that independent claims 1, 8, 14, and 18 are allowable.

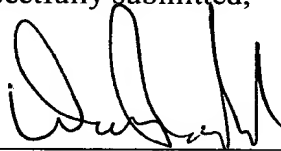
## **II. Canceled Claims**

As identified above, claims 9, 15, and 19 have been canceled from the application without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

### CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David Rodack  
Registration No. 47,034

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

5-18-05

Mary Meegan  
Signature